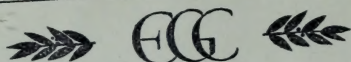


Humour of the times of Robert Gourlay

By William Renwick Riddell, LL.D.,  
F.R.S.C., Can.

(Trans. R.S.C. 1920)

F5012. 1920. R545



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*Humours of the Times of Robert Gourlay*

By WILLIAM RENWICK RIDDELL, LL.D., F.R.S.C., Can.

(Read May Meeting, 1920)

Robert Fleming Gourlay the Neptunian and Banished Briton was a man thoroughly in earnest; his high sense of public duty, his devotion to the cause of the poor, his absolute truthfulness, his perseverance in the path of what he considered right all recommend him to serious respect while his shameful treatment at the hands of the authorities of Upper Canada a century ago, his unmerited sufferings, his spirited if misguided conduct throughout the disgraceful prosecution move our sympathy and ensure our regard. We forget his self centredness, his egotism, his jealousy of anyone else occupying the stage and receiving the attention of the country, his unreason and wrong headedness in his search for justification. So much so that there has grown up a Gourlay myth—he is the father of Responsible Government who publicly cried “Responsible Government; what has that effected? An unblushing waste of public money and a monstrous debt.”<sup>1</sup> the forerunner of William Lyon Mackenzie and the protagonist of political reform—he who despised Mackenzie and lampooned him as a monkey, who dubbed him the “self styled Patriot Hero of Navy Island and Prince of Mischief makers”<sup>2</sup> and who had no thought of reform anywhere but in the economic field<sup>3</sup>.

Serious as he was, seriously as he was considered by the authorities of the Province, serious as were his wrongs and his sufferings, his career was not without its humorous accompaniments and these or some of them it is the object of this paper to state.

Born in the ancient “Kingdom of Fife” and with more than usual perversity<sup>4</sup>, he left his native land after a quarrel with the Earl of Kellie over what he took it into his head to consider a deadly insult, which, when investigated boils down to the simple fact that the Earl being in the chair of a public meeting adjourned the meeting when Gourlay was speaking—whereupon Gourlay wrote and circulated a vicious pamphlet against him.<sup>5</sup> He went to England and rented a farm from the Duke of Somerset; he got into a mass of litigation with his landlord to compel him to give him a lease which Gourlay had himself refused to sign when offered to him. While he won some of his litigation he was deprived of costs because before the Lord Chancellor he jeered at the Duchess as wearing the breeches.<sup>6</sup>

Then he came to Canada; intending to return in six months,<sup>7</sup> he was bitten by mosquitos so badly that he was laid up two months and so prevented from returning.<sup>8</sup> Thus he was detained in Upper Canada to become a storm centre for two years.

His early Addresses to the people of the Province were, *bonâ fide*, to obtain economic information, but the foolish opposition of the official set forced him into politics. It is not proposed to go into his campaign efforts here; the story can be read in his several writings.<sup>9</sup> Only certain matters which have elements of humour will be referred to.

Travelling in the eastern part of the Province holding public meetings in support of his schemes, he passed through Brockville "outwardly a delightful place, and when it contains as much honesty as pettifogging law will be truly enviable"<sup>10</sup>, at Johnstown a Justice of the Peace, Duncan Fraser by name, made a violent and unprovoked assault upon him; pleading guilty of the assault the Magistrate was fined 40 shillings (\$8) while one Grant, a by-stander, who had tried to keep the peace, but struck back when Fraser struck him was fined £5 (\$20) and imprisoned for one month!!<sup>11</sup> At Kingston he got into controversy with Christopher Alexander Hagerman, a lawyer of note, and afterwards Attorney General and Justice of the Court of King's Bench. Hagerman said Gourlay "must have a Dolt's head," a friend of Gourlay's replied referring to Hagerman's "false, foolish and impertinent letter," and Gourlay thinking honours were easy let the matter drop for a time—he was right, however, and the lawyer was wrong in the law<sup>12</sup>. But he soon published a statement that Hagerman's brother was a felon and had been hanged, excusing himself afterwards by the grotesque explanation "that he had reason to thank me for openly declaring what was said of him that he might at once put an end to the story . . . by making his appearance." Hagerman horsewhipped him, and a magistrate put an end to the affray<sup>13</sup>. The original recognizance requiring of Hagerman to keep the peace for a week is now at the Canadian Archives at Ottawa.<sup>14</sup>

Returning to York, Toronto, he in July, 1818, attended a meeting of the "Friends of Enquiry," *i.e.*, those who supported his scheme of petitioning the Prince Regent (the Home Government) to enquire into the affairs of the Province. The proceedings of the "Convention" (as it was unfortunately called) are duly recorded by Gourlay.<sup>15</sup> and they are serious enough. But there happened to be in York shortly after the time a "well known character" from Kingston, Amos Ansley, "Yeoman Ansley," living on Lot No. 12 in the First Concession of the Township of Kingston; he was a chronic "kicker," rather more than



eccentric. We find him complaining to William Dummer Powell, "Chief Justice in the Province of Upper Canada," of Thomas Markland not putting in their proper place the monuments marking the limits of the lots in that Township "to the Great Damage of the Inhabitants and the Total Subversion of the King's Peace"—worse than that, "he sanctioned the Act of a Rebellious Mob who had laid Violent hands on the Body of Amos Ansley, the said Ansley Being in the Peace of God and the King alone, and in Quiet on the Kings Highway in 1812 and Committed him to Prison without an oath and without a Trial. No eye to pity No Hand to Save."

The Judge not granting relief, Ansley had applied to the Church and wrote to "the Reverend George Okil Stuart" in the name of God requiring him to admonish Thomas Markland to order Mr. James Nicol to set the monuments so as to "protect His Majesty's Subjects in the Land that was allotted to them when this Country was a howling wilderness," and if Ansley is not settled with "when the Grand Jury is sworn it will Be to Late—there Has Been as Great Men as Him Indicted for f. and H.T."<sup>16</sup>

Notwithstanding the adjuration, "Remove not the ancient Land Marks which they fathers Have Set Proverbs cXX v 20 Deuteronomy XIX, 15, 16, 17, 18, 19, 20, 21, c XXXII, 17"—the appeal to the clergyman seems to have been unsuccessful. Thereupon Ansley sent it to Sir Peregrine Maitland, "Governour," for the attention of His Majesty's Attorney General. As he endorsed the words "Sleepy and Lazy Priests that Nither Serve God Nor the King," it is not wholly astonishing that the Attorney General endorsed the paper "From Amos Ansley Transmitting some very ridiculous papers."

Some wag seeing Ansley in York wrote and printed a travesty of the proceedings of the Convention and a copy was handed to Ansley by Ezekiel Benson at York, July 22, 1818. This "skit" endorsed by Ansley, "We Never Ware Rebels and we Never will Be"—"This is a Liebill published in the Town of York for which the Yorkers shall Be Indicted for publishing the said Scandalous Libill," was also sent in to the Governor for the Attorney General. And when one reads it, one cannot think that Ansley is too emphatic when he calls it a Libill.

It reads thus:—<sup>17</sup>

"At a Meeting of the Representatives from the different Townships, assembled in General Convention, for the redressing of all public grievances in the Province, held at York, at Mr. Forest's Hotel, on Monday, the 6th of July, 1818:

## PRESENT,

Robert Gourlay, Lewis Ketchum, John Clap, George Hamilton, William Brushum, Peter Hogboom, John Wright, Abel P. Forward, Robert Hamilton, Henry Segar, David Damwood, Benoni Wells, Adam Dills, Daniel Washburn, George Yocum, William Kerr, John Rose, John Clark, John Dickhout, Hugh C. Thompson, Peter Snitzer, Lieut. Col. Richard Beasley.

RESOLVED, that the thanks of this assembly are due to Mr. Gourlay for all he has done and suffered in the great cause; for the industry with which he has circulated his calumnies, and the patience with which he has borne chastisement for them,

RESOLVED, that for the perfect security of the public money, collected for the defraying the expences of the Commissioners to and from England, it be placed in the hands of our right trusty friend Barnabas Bidwell, Esquire; who shall proceed with the Commissioners as their travelling Treasurer. And it is farther resolved that the said Barnabas Bidwell be particularly advised, for certain reasons, not to proceed with it to England through the United States.

RESOLVED, that Mr. Amos Ansley, as the most respectable in appearance of our body, be selected to present the petition to his Royal Highness the Prince Regent, at the foot of the Throne. And that before the said Amos Ansley proceed on his mission, a commission of Lunacy be appointed, to enquire whether there are any immediate symptoms of approaching madness.

RESOLVED, that Mr. Robert Hamilton, Mr. John Clap, Mr. William Kerr, Mr. Peter Hogboom, Mr. John Clark, Mr. George Yocum, and Mr. George Hamilton son of the late Hon. Robert Hamilton, be a committee to accompany the said Amos Ansley, and that they be particularly careful for the credit of the Representatives, that the said Amos Ansley do not run naked about the streets of London, blowing horns or trumpets, as he has been occasionally wont to do.

RESOLVED, that the Convention being rather short of grievances, will defer sending home their Petition, for two months, during which time, any person who will furnish them with any general grievance, or with any particular lie against any person in office (or otherwise respectable,) sufficiently scandalous to be unanimously adopted by the representatives, shall be paid Twenty Dollars out of the Public Fund, so long as it lasts; and if the said particular lie shall concern the Reverend Dr. Strachan, they shall be paid five dollars additional—or any of his pupils, two dollars and a half.

RESOLVED, that Mr. Gourlay shall be at liberty to make up a contingent account for plasters and bandages, and shall be allowed



3s, 6d. for every kicking, and 5s for every horsewhipping: and it is further Resolved, that an Address of condolence be presented to our loyal and patriotic captain George Hamilton, for the additional loss recently sustained in the wreck of his curricule, on the road between Belleville and little York, from want of his horses having the accomplishment he so elegantly recommends "of giving a long pull, a strong pull and a pull both together" which deprived this committee of the benefit of his transcendent abilities, and himself the opportunity of displaying his dignified oratory.

RESOLVED, that it is proved to the satisfaction of this meeting, by the evidence of Mr. Gourlay, and by inspection of his person, that the inhabitants of the Midland, Johnstown and Eastern Districts, are violent friends to their King, Country and Constitution, and therefore deserve the marked disrespect of every well wisher of our great cause.

RESOLVED that it is a grievance that our streets are not paved—that we have no city as large as New-York—that all our English and Scotchmen are not Yankees—and that Canada is not somewhere in the Genesee country.

RESOLVED, that little York is a great nuisance.

RESOLVED, that it is a grievance that all the people of the lower Districts have not more money and less wit.

RESOLVED, that it is a grievance that the government is administered in the manner it is—upon which it was moved in amendment by Mr. Gourlay and voted by acclamation as the unanimous sense of the Representatives, that it is a much greater grievance, that there is any government at all.

RESOLVED, that it is the opinion of this meeting, that the Attorney General has been guilty of gross dereliction of duty, and brought down upon himself the odium and contempt of the most respectable body of the community, and particularly of the members comprising this convention, in assuming the power of proceeding ex officio against the first and only champion of Democracy, Liberty and Equality, that has appeared since the time of our much lamented friends, WILCOX, MALLORY and MARACLE.

RESOLVED, that it is a grievance, that there are no more grievances.

RESOLVED, that for the redress of all these grievances, and particularly of the last, His Royal Highness be specially requested by Amos Ansley to appoint him Lieutenant-Governor, Mr. Barnabas Bidwell Receiver-General, Mr. Casey Chief-Justice, Mr. Washburn Attorney-General, Mr. Patrick Strange Secretary of the Province,

Mr. James Durant Inspector of Public Accounts, and Mr. Gourlay Superintendent-General of all Departments, with a general exemption from all prosecutions for all felonies, treasons, libels and seditions.

RESOLVED that the Rev. Dr. Stachan be commanded to desist from instilling into the minds of the Youth of this Province the pernicious principles of loyalty and attachment to the Constitution, and that Mr. Amos Ansley, Mr. Hamilton and Mr. Kerr be directed to afford such encouragement as their friends will warrant, to Mr. Hone, to return with them to this Province to bring up our Children in the way of piety and virtue.

That Amos Ansley make it a point with His Royal Highness the Prince Regent that little York shall be blown to atoms—that Major 'Simons' half pay shall be struck off and transferred to Captain William Kerr as a matter of Justice—that Mr. Gourlay's letters from his dear wife be forwarded by a Special Messenger once a week, and that henceforth to preserve purity of morals and decency, order and decorum throughout the Province, Mr. Robt. Gourlay have absolute control over the Press, that nobody's lies, and scurrility may be published but his own, or that of his intimate friends."

The Meeting then adjourned to Tuesday.

Endorsed by Ansley.

"Received this from the Hands of Ezekel Benson at York, U.C., this 22d day of Feby. 1818.

AMOS ANSLEY.

We Never were Rebels and Never will Be.

We wish to reap the frutes of Our Labour and keep the King's peace.

AMOS ANSLEY.

Kingston,

August the 2d 1818

Let us pass over a score of years—Gourlay had been banished, had gone to the old Land, deluged King and Parliament with Petitions, horsewhipped Henry Brougham in the Lobby of the House of Commons, remained in prison at Cold Bath Fields for many months because on principle he would not give bail or allow his friends to bail him, worked on the road as a pauper where he had been a prosperous farmer, contemplated suicide but compromised by some more petitions, returned to this Continent the Neptunian and Banished Briton, repudiated Mackenzie and all his works, and came to Upper Canada in 1838 to see Lord Durham, then on his mission of enquiry and conciliation. Failing to see Lord Durham he consoled himself by writing a lampoon on him.



"A brief but sufficient and very faithful history of the Durham Administration—written a few days after receiving the above trifling letter from Couper,<sup>18</sup> October, 1838,"

A Durham Ox came o'er the sea  
And landed at Quebec;  
Canadians all were on their knee  
And instant at his beck.

The Durham Ox moved up the burn  
To see the muckle Falls.  
The Buffaloes, on Erie's bank,  
Thought he was come to balls.\*

They asked if he would feed with them  
And said their grass was good;  
But the Durham Ox turned round his tail  
And down the burn he stood.

The Durham Ox, now tethered fast  
Upon Victoria's lea,  
Bade Yankees come from every town  
His mightiness to see.

The Durham Ox looked smooth and sleek  
The Yankees, they seemed wondrous meek,  
But yet were very pawkie  
And after all the shows he made  
They thought him but a gawkie.

And now the truth is wholly out;  
Nor need we any longer doubt  
So all the world may fairly laugh,  
To think the Ox was but a Calf.

\*It will be remembered that Lord Durham gave a ball to the gentry of Buffalo and they in turn expected him at a civic feast (Gourlay's note).

Perhaps Durham never saw this effusion and if he did he probably despised it.

The next year Gourlay thought "the church itself wholly militant. Episcopalians maintaining what can never be established. Presbyterians more sour than ever contending for right where they have none whatever.<sup>19</sup> Methodists so disunited that they cannot even join in a respectable groan and Catholic Priests wandering about in poverty because their scattered and starving flocks yield not sufficient wool for the shears": and when he came to the Legislature in Toronto and when the Members of the House of Assembly refused to hear him at their Bar, he sought comfort by breaking out into verse again:<sup>20</sup>—

A monkey once sprung up aloft  
And gibbered in the trees:  
The bears and wolves began to dance  
And bum went all the bees.

A shot or two being fired at Pug  
Away the creature scampered  
And truly it made unco speed,  
With bulk being little hampered.

Arrived at Jonathan's outpost  
And perched up in the playhouse  
A farce began which, right to scan  
No man could say it was douce

Douce, did I say?—hoot man away;  
'T was really sad and sadder  
For men to Buffaloes were turned  
And they grew mad and madder.

They gored the ground; they cocked their tails;  
They flung up the dust; they trod down rails  
And nothing could withstand them;  
Till great Van Rensselaer stepped forth  
And said he would command them.

To Navy Island quick they marched,  
And quick were in possession.  
Quick ran the news across the land  
To Parliament in session.

Sir Francis said "My dear McNab,  
Rise from the chair, mount any cab,  
And rouse the men of Gore;  
Now I'm awake, good care to take  
That no one else shall snore.

When I sprung out of Romney March  
Just like a little spunkie  
I never dreamt of aught so harsh,  
As fighting with a monkey.

But since it is my knightship's fate,  
Do you go forth and thunder,  
That you may rise, in royal eyes,  
And then, we ne'er shall sunder.

Sir Francis, I—Sir Allan you—  
The Yankees we will humble  
And this cursed ugly monkey now  
Out o'er the Falls we'll tumble."



Britannia's flag you now may see,  
 From Drummond's Hill to Fort Erie  
 While thousands range around;  
 With shot and sheel the trees they fell  
 And make a mighty sound.

—Fifean.

Edinburgh Castle, May 6, 1839.

A similar want of success in 1840 drove Gourlay again to rhyme—he already drank as became his time and country—*nascetur ridiculus mus*<sup>21</sup>

Good lauk, what next!—a boat unfixed—  
 The little Caroline  
 Cut from the ice; and all so nice  
 Now on the lake doth shine.

A spec!—a spec!—a glorious spec!  
 The Buffaloes roar out,  
 Victoria's wealth is all our own,  
 And Canada no doubt.

We'll moor the boat—we'll store the boat,  
 With "*articles of freight*"  
 And when our flag is hauled aloft  
 We'll swear the whole is right.

For trade is free to all the free,  
 And we're the sons of freedom,  
 We'll freedom take, there's no mistake  
 Nor need we longer dread 'em.

Ah, Jonathan! Ah, Jonathan!  
 Thou art a boastful loon;  
 But there's a God above, I trow  
 Will make you change your tune.

Snug in your port, you deem it sport  
 To laugh at human woe;  
 But God above will you reprove  
 And that you soon shall know.

It matters not what are His means,  
 Or what you call the deed.  
 The whole is rightly ordered, man,  
 Your wickedness to feed.

To make you stamp, to make you swear,  
 To show you off a good long year,  
 That all the world may know—  
 Till human nature better is  
 You have no right to crow.

Look back to Malden and Pelé,  
The Short Hills interlude;  
Look back to Prescott's bloody field,  
And Windsor, still more rude.

All villainous—most villainous!  
Not one redeeming act,  
Historians cannot better it.  
Nor e'er dispute the fact.

But when we think upon the thing  
That led you on to war;  
A monkey vile chock full of bile,  
It beats the Globe by far.

The monkey first made you to thirst,  
For acres and for dollars;  
And now in cage, it spends its rage  
On Uncle Sam's tight collars.

Robert F. Gourlay.

Edinburgh Castle, Feb. 5, 1840.



## NOTES

MEMO:—In these notes the contraction

"Gour" is used for my work "Robert (Fleming) Gourlay as shewn by his own Records," Ont. Hist. Soc., Toronto, 1916.

"Nep." "The Banished Briton and Neptunian," No. 1, or "The Neptunian," Nos. 2-39.

<sup>1</sup> "Mr. Gourlay's Case/ Before the/ Legislature/ with His/ Speech/ Delivered on Wednesday, July 1, 1858/ In Two Parts/ Toronto/ Printed at the Globe Book and Job Office /1858."

This 8vo pamphlet of 29 pages contains Gourlay's speech before the Legislative Assembly of Canada, July 1, 1858, in his own behalf—a real *Apologia Vitae* which he was permitted after much opposition to make, something he had been long striving for—it is rather a poor performance evidencing "either complete loss of control of himself or a marked weakness, bodily or mental." See Gour., pp.112, 126.

<sup>2</sup> Gour. 83, 91. 122: Nep. No. 2, 6; No. 7, 72.

<sup>3</sup> Gour. 17.

<sup>4</sup> I have often heard Scotsmen—generally of other parts of Scotland, be it said—assert "a' Fifeshire folk are a bit cracked": my own experience has been that they are more than usually astute, perhaps "pawkie" is a better word.

<sup>5</sup> Gour. 8, 55, 56.

<sup>6</sup> Gour. 10, 56; 83; *Gourlay v. Duke of Somerset* (1812) 1 Vesey & Beames' Chancery Reports, p. 68.

<sup>7</sup> Gour. 14, 56; Nep. No. 1, p. 15; No. 17, p. 180.

<sup>8</sup> Gour. 15, 57; Nep. No. 25, p. 305, n. 6, p. 308 n.; Nep. No. 22, p. 238 n.

The critics—*mali homines*—will no longer allow us to read the "Culex" as Vergil's: and the "cana culex" of Plautus they say is an old rascal of a lover; but one feels like saying "eho tu . . . cantrix culex" to our native songstress.

<sup>9</sup> My life, "Gour" gives an abstract of most of these—those interested are referred to that volume for a full account of Gourlay's extraordinary life.

<sup>10</sup> Gour. 27.

<sup>11</sup> Gour. 28, 29.

<sup>12</sup> Gour. 29, 59.

<sup>13</sup> Gour. 29.

<sup>14</sup> Canadian Archives, Sundries, U.C. 1818.

<sup>15</sup> Nep. No. 30, p. 427; "Chronicles of Canada, 1818," pp. 17-20. See note 17 (*infra*).

<sup>16</sup> Of course "Felony and High Treason," a phrase in very wide use in those days against all who expressed their discontent against the Government, however mildly.

<sup>17</sup> The fact that the meeting was called a "Convention" was used by the Government party to compare it to the "Conventions" of the French Revolutions and so to discredit it as being republican and anti-British. I give an abstract of the meetings taken from "Chronicles of Canada, 1818," pp. 17-20.

Meetings of the Upper Canadian Convention of Friends to Inquiry, York, Monday, July 6, 1818.

For the

District of Niagara

*Present.*

Robert Hamilton, Esq.

John Clark, Esq. J. P.

Dr. Cyrus Sumner

(Major William Robertson reported absent from sickness)

District of Gore	}	Richard Beasley, Esq. J. P.
		Mr. William Chisholm.
London District		Mr. Calvin Martin.
Western do		Mr. Roderick Drake.
Midland District	}	Daniel Washburn, Esq.
		Mr. Davis Hawley.
		Mr. Paul Peterson.
		Mr. Thomas Coleman, Esq.
District of Newcastle		Mr. Robert J. Kerr.
Johnstown District		Mr. Nathan Hicok
Ottawa do		.....
Home do		.....

(Gourlay addressed the Convention at their request but was not a member.)

Richard Beasley J.P. in the Chair.

William J. Kerr Secretary and

Daniel Washburn Assistant Secretary.

Board of Management met at Ancaster, July 21, 1818; and drew up a Petition to the Prince Regent.

Present Richard Beasley,  
William Kerr,  
William Chisholm,  
John Clark,  
George Hamilton  
and Roderick Drake.

The Board of "Permanent Committee" met again at St. Catharines, August 1, 1818; had the Petition engrossed, signed and ordered to be transmitted to England.

Present Richard Beasley,  
George Hamilton  
Roderick Drake  
William Kerr  
and John Clark.

It will be seen that the eastern part of the Province which had been canvassed by Gourlay himself was poorly represented.

Some of the persons named in the parody may be more particularly referred to here.

Barnabas Bidwell, the father of the more celebrated Marshall Spring Bidwell, had been guilty of defalcations as Treasurer of the County of Berkshire in Massachusetts—hence the suggestion that he should be Treasurer and keep out of the United States on his way to England.

George Hamilton was the founder of the present City of Hamilton; I do not know the occasion of the wreck of his curricule.

The antics of Amos Ainsley were notorious but I cannot find that he actually ran naked at any time.

Gourlay had been entrusted in May, 1818, by the Niagara Committee to look after the Midland, Johnstown, Eastern and Ottawa Districts—he had little success and by the time he reached Cobourg on his way west he was clearly in bad odour. Gour. pp. 26 sqq.



The Attorney General was John Beverley Robinson, who, apparently indifferent at first to Gourlay and his movement, soon became satisfied that he was a dangerous demagogue. It seems reasonably certain that he was influenced by the Reverend Dr. Strachan, whom Gourlay attacked without mercy and whom he affected to despise. The Information *ex officio* referred to is one of the most discreditable proceedings of the time. Gourlay's Address headed "Gagg'd-Gagg'd by Jingo" was published in the *Niagara Spectator*, December 3, 1817; Isaac Swayze laid an information against Bartimus Ferguson, the editor of the paper, and Ferguson was arrested and placed in Niagara Gaol. But this prosecution dropped and he was released. June 28, 1818, Gourlay sent another article to the *Niagara Spectator* which published it—it is said in the absence of the editor; the article attacked the Members of the House of Assembly, sycophants around the Governor who was making a fortune out of the taxes of Canada, spoke of "poor Peregrine . . . a thing called Excellency a British General who forgets the laws of honour, of prudence, feeling, justice," etc., etc.

The House, July 5, voted this a "scandalous, malicious and traitorous libel" and requested the prosecution of author, printers and publishers. Gourlay was let alone, but Bartimus Ferguson, the editor, was prosecuted on an Information *ex officio*. He was arrested at Niagara, brought to Toronto, produced before the Full Bench of three Judges and sent to Niagara for trial. Tried at the Niagara Assizes, defended by Thomas Taylor, our first Law Reporter, he was convicted and sent to gaol. In the following term he was brought to York and sentenced to pay a fine of £50 and to imprisonment in the Common Gaol at Niagara for 18 months, to stand in the pillory for four hours, and to give bonds for good behaviour for 7 years, remaining in prison until the fine was paid and security given. Ferguson made a humble submission and part of his punishment was remitted. Gour. 39, 50.

"Wilcox, Mallory and Maracle" were Joseph Willcocks and Abraham Marcle, members of the House of Assembly who deserted to the enemy in the War of 1812 and were expelled from the House, February 19, 1814—and Benajah Mallory, also accused of treason at the same time.

Daniel Washburn was struck off the Rolls in 1820 "for conduct of a highly disgraceful and criminal nature," which had already become common property; it was in his office that Barnabas Bidwell was managing clerk—and there Marshall Spring Bidwell began his professional training.

Mr. James "Durant" was James Durand, Member of the House of Assembly, a Reformer but not a friend of Gourlay's. Gour. p. 49. He was quite falsely accused of using for his own purpose certain public money given him to expend on roads.

"Hone" was William Hone, the well-known author and publisher; he began in 1817 publishing satires on the Government of Britain John Wilkes' Catechism and the like. He was prosecuted on an *ex officio* Information for publishing John Wilkes' Catechism, December 18, 1817, before Mr. Justice Abbott (afterwards Lord Tenterden) and acquitted. The Chief Justice Lord Ellenborough determined to preside himself at the next trial, which he did, December 19—an *ex officio* Information for publishing Hone's own "Political Litany," but Hone was again acquitted. The next day, December 20, Hone was again put on trial on an *ex officio* Information for publishing "The Sinecurists' Creed." Lord Ellenborough again presided, and again Hone was acquitted.—these prosecutions and their result killed Lord Ellenborough. Hone defended himself with extraordinary skill, vigour and learning, proving himself quite too much for Judge and Crown Counsel.

The best account of these three trials is to be found in William Tegg's "Three Trials of William Hone," London, 1876—more foolish, unfair and futile proceedings never were taken in any Court—the Trial is well worth reading as showing the lengths it was a century ago thought fair to go to destroy an agitator. The political invective of to-day or yesterday is but gentle remonstrance compared with that of a century ago. Major Simons was Titus Geer Simons, whose tarring and feathering at Dundas of George Rolph was the cause of the action of Rolph v. Simons, which resulted in the "amotion" of Mr. Justice Willis in 1828.

Gourlay's practice of publishing letters to and from his wife is well known—many such letters are to be found in "The Neptunian"—he seemed not to understand that there was any impropriety or indelicacy in the practice—Mrs. Gourlay had no reason to be ashamed of her letters.

<sup>18</sup> The Secretary of Lord Durham, who had written simply informing Gourlay that Lord Durham had received his communications—Gourlay looked upon this as a slight—"The Durham Ox" will be found Nep. No. 2, p. 26; Gourlay seems to have been proud of this and his other doggerel.

<sup>19</sup> The Episcopalians (or some of them) claimed to be the Established Church of Upper Canada; some of the Presbyterians claimed a share of the Clergy Reserves. The language quoted is from Gourlay's "Address to the Resident Land Owners of Upper Canada," of January 10, 1839. Gour. p. 89.

<sup>20</sup> Printed in Nep. No. 7, p. 72.

The monkey was William Lyon Mackenzie, who, indeed, was neither tall nor handsome.

"Pug," a pet name for a monkey.

"Jonathan's outpost" was Buffalo; and the playhouse the local theatre where an enthusiastic public meeting was held the night after Mackenzie's arrival in Buffalo—Monday, Dec. 11, 1837—on his flight from Upper Canada.

"Douce," Gourlay informs us, means "sedate, sober, decent".

Van Rensselaer was Rensselaer Van Rensselaer who took command of the Sympathisers; he had more ambition than brains and was more devoted to brandy than to tactics.

Navy Island in the Niagara River was the camping ground of the Sympathisers

The Third Session of the Thirteenth Parliament of Upper Canada (1 Vic.) sat from December 28, 1837, till March 6, 1838.

"My Dear McNab" was Allan Napier MacNab, who roused "the Men of Gore" District during the Rebellion to some purpose.

"Romney Marsh"—Francis Bond Head was Assistant Poor Law Commissioner in Kent, and living at Cranbrook, when he was to his great astonishment made Lieutenant Governor of Upper Canada—a worse selection could scarcely be made—he was knighted at the same time.

Allan Napier MacNab was knighted in 1838 for his services during the Rebellion.

Edinburgh Castle was an Inn in Toronto, much frequented by Members of the House of Assembly.

<sup>21</sup> Printed in Nep. No. 7, p. 72.

The Steamer Caroline was laid up at Buffalo but being chartered by Sympathisers, she was brought down to the River through a channel cut in the ice and taken to Fort Schlosser, opposite Navy Island, on the American shore. She took supplies including one cannon from the New York side of the River to Navy Island, but on the night of the 29th December, 1837, she was boarded by a Canadian expedition and set on fire.



In the diplomatic correspondence the Americans claimed that the Caroline carried only "articles of freight."

At, or near, Malden the Sympathisers, *i.e.* American invaders, were defeated and their General, Theller, and others were taken prisoner. At Point Pelé there was a short battle; the Short Hills west of the Niagara River was the scene of the latest attempt in that region against the Crown, resulting in death to nine, penal service to others; at the Windmill near Prescott, the unfortunate Pole, Von Schoultz was taken prisoner; he afterwards was hanged at Kingston with some of his followers; at Windsor, Col. John Prince met and defeated the invaders, killed some in battle, shot some after the battle and sent some to Toronto as prisoners.

The "monkey chock full of bile" was, of course, William Lyon Mackenzie; his rage against "Uncle Sam's tight collars" was due to the fact that convicted for an offence against the law of the United States in organising an expedition against Canada he was confined in the Gaol at Rochester for eleven months.

"The Globe" was *not* "The Toronto Globe."







